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| 10/536,850 | 05/31/2005 | Laurent Gardes | FR 020132 | 6243 |

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BRIARCLIFF MANOR, NY 10510

EXAMINER

MEENDOZA, JUNIOR O

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,850

Applicant(s)

GARDES, LAURENT

Examiner

JUNIOR O. MENDOZA

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-824)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date 05/21/2005; 09/18/2006

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "104" and "140" have both been used to designate "Request for a program from a position P", see paragraphs [0044], [0053] and figure 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The applicant discloses "receiving station...", where it should be change to "receiving station **14**...", paragraph [0023].

Appropriate correction is required.

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3. The disclosure is objected to because of the following informalities: The applicant discloses "decoder...", where it should be change to "decoder **18**...", paragraph [0023].

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: The applicant discloses "at the instant t_{k+1} a by starting at the...", where it should be change to "at the instant t_{k+1} by starting at the...", paragraph [0055].

Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: The applicant should include the title "What is claim is:" before disclosing the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3, 5, 6, 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (Patent No 5,793,971) in view of O'Callaghan et al. (Patent No 5,477,263). Hereinafter referenced as Fujita and O'Callaghan, respectively.

Regarding **claim 1**, Fujita discloses a system for broadcasting a video program to several destinations, characterized in that it comprises

broadcasting source suitable for ensuring the transmission, on an information transmission network, of several video signals (A video reproduction [1] includes a plurality of reproducers "P", the reproducers simultaneously and repeatedly reproduce the divided image sources where they are respectively shifted by a predetermined time, col. 4 lines 55-67 also exhibited on fig. 7)

comprising the same video program and shifted with respect to time (Image sources are shifted with respect to time, col. 4 lines 17-28 also exhibited on fig 8),

and means for controlling and managing broadcasting sources, and in that the means for controlling and managing the broadcasting sources are adapted to ensure temporal shifts between the video signals supplied by the different sources, all of which are proportional to one and the same elementary shift interval (Server management system section [3A] includes a system controller [3a], which manages a video select switch [2], where switching is carried out so as to maintain continuity of image sources, col. 11 lines 34-39, col.14 lines 1-30 also exhibited on fig 7).

It is noted that Fujita fails to explicitly disclose an assembly of broadcasting sources. In a similar field of endeavor O'Callaghan discloses an assembly of

broadcasting sources (A plurality of program sources [302] and [04] provide content for VCR-like functionality, col. 8 lines 64-67 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing more storage resources that can provide services for more customers, which would a business to expand and create more revenues.

Regarding **claim 3**, Fujita discloses everything claimed as applied above (See claim 1); moreover, Fujita discloses a broadcasting system as claimed in claim 1, characterized in that

the controlling and managing means comprise means for receiving a request for a video signal as from a given position (Server management system section [3A] includes a system controller [3a], which manages a video select switch [2], where switching is carried out so as to maintain continuity of image sources, col. 11 lines 34-39, col.14 lines 1-30 also exhibited on fig 7, where near video on demand functions reproduce the image source of a program at a desires time of the viewer, column 1 lines 12-15).

It is noted that Fujita fails to explicitly disclose that the controlling and managing means are adapted to control a broadcasting source for broadcasting the video signal as from the given position **only in** the case of receiving a request for said video signals

as from the given position. However, the examiner maintains that it was well known in the art to provide such element, as taught by O'Callaghan.

In a similar field of endeavor O'Callaghan discloses the controlling and managing means are adapted to control a broadcasting source for broadcasting the video signal as from the given position **only in** the case of receiving a request for said video signals as from the given position (A plurality of programs contains different versions of the same program, the versions having staggered starting time, col. 5 lines 4-20; moreover, where a user can choose any of the plurality of programs, col. 4 lines 35-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing the content to the user as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 5**, Fujita discloses everything claimed as applied above (See claim 1); it is noted that Fujita fails to explicitly disclose a broadcasting system as claimed in claim 1, characterized in that it comprises at least one destination comprising means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position. However, the examiner maintains that it was well known in the art to provide such element, as taught by O'Callaghan.

In a similar field of endeavor O'Callaghan discloses a broadcasting system as claimed in claim 1, characterized in that it comprises at least one destination comprising means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position (A memory contains data structure having information identifying how to access each program and contains a pointer to said program, when a special function is indicated, i.e. pause, forward, rewind, the pointed is changed to a second program with a different starting time, which provides for the user a VCR like control, col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing the content to the user as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 6**, it is noted that Fujita fails to explicitly disclose the receiver comprising means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal. Moreover, O'Callaghan discloses a receiver for receiving a video signal from the broadcasting sources of a system as claimed in claim 1, the receiver comprising means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the

memorized position (A memory contains data structure having information identifying how to access each program and contains a pointer to said program, when a special function is indicated, i.e. pause, forward, rewind, the pointed is changed to a second program with a different starting time; which provides for the user a VCR like control, col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing the content to the user as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 7**, Fujita discloses everything claimed as applied above (See claim 1); it is noted that Fujita fails to explicitly disclose broadcasting the same program to several destinations. Moreover, O'Callaghan discloses the use of a system for broadcasting a video program as claimed in claim 1, for broadcasting the same program to several destinations connected to an information transmission network (In a CATV distribution system, a CATV head end [400] supplies a number of channel of video programming over a distribution medium [410] to a number of sources [420], col. 6 lines 23-32 also exhibited on fig 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the element mentioned above, as taught by O'Callaghan, for the purpose of expanding the content

on demand business, where the product can be provided to anyone who wants to become a customer.

Regarding **claim 8**, Fujita discloses a method of broadcasting a video program to several destinations, characterized in that it comprises

a step of transmitting, on an information transmission network, several video signals having identical contents from an assembly of broadcasting sources (A video reproduction [1] includes a plurality of reproducers "P", the reproducers simultaneously and repeatedly reproduce the divided image sources where they are respectively shifted by a predetermined time, col. 4 lines 55-67 also exhibited on fig. 7; moreover, server management system section [3A] includes a system controller [3a], which manages a video select switch [2], where switching is carried out so as to maintain continuity of image sources, col. 11 lines 34-39, col.14 lines 1-30 also exhibited on fig),

which video signals are shifted in time with temporal shifts between the video signals supplied by the different sources, all of which are proportional to one and the same elementary shift interval (Image sources are shifted with respect to time, col. 4 lines 17-28 also exhibited on fig 8).

It is noted that Fujita fails to explicitly disclose an assembly of broadcasting sources. In a similar field of endeavor O'Callaghan discloses an assembly of broadcasting sources (A plurality of program sources [302] and [04] provide content for VCR-like functionality, col. 8 lines 64-67 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing more storage resources that can provide services for more customers, which would a business to expand and create more revenues.

8. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Cheung et al. (Patent No 7,200,669). Hereinafter referenced as Cheung.

Regarding **claim 2**, Fujita discloses everything claimed as applied above (See claim 1); however, it is noted that Fujita fails to explicitly disclose that said elementary shift interval is between 1 and 60 seconds. However, the examiner maintains that it was well known in the art to provide such element, as taught by Cheung.

In a similar field of endeavor Cheung discloses that said elementary shift interval is between 1 and 60 seconds (The stream interval can be made very small, even down to a few seconds, even though that means that the system has to provide a large number of streams for serving the same amount of content, col. 2 lines 31-48)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita by specifically providing the elements mentioned above, as taught by Cheung, for the purpose of pleasing the customer by providing the video requested within a relatively small time, which in turn would encourage users to keep on using the service.

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of O'Callaghan further in view of Dewkett et al. (Patent No 5,646,676). Hereinafter referenced as Dewkett.

Regarding **claim 4**, Fujita and O'Callaghan disclose everything claimed as applied above (See claim 1); however, it is noted that Fujita and O'Callaghan explicitly fail to disclose that broadcasting source comprises an address on the information transmission network. Moreover, Dewkett discloses a broadcasting system characterized in that each broadcasting source comprises an address on the information transmission network allowing, at a destination, the connection to the broadcasting source and the reception of the video signal broadcast thereby (When a set top box [109] places a request for content, the multimedia adapter [106] contact the disk [107] containing the information requested, col. 6 lines 25-36 also exhibited on fig 3)

and in that the controlling and managing means comprise means for receiving a request for a video signal as from a given position and means for addressing, to the requesting destination, the address on the network of the broadcasting source ensuring the broadcast of the video signal as from the given position (Each set top box [109] can request a command for an identifies movie, where the request is send to the host system to perform its processing; after user authorization has been established the host

system assigns a disk to send the content to the user who requested it, col. 5 lines 26-52 also exhibited on fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujita and O'Callaghan by specifically providing the elements mentioned above, as taught by Cheung, for the purpose of pleasing the customer by providing the video requested within a relatively small time, which in turn would encourage users to keep on using the service.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bradley et al. (Patent No 5,172,413) –Secure Hierarchical video delivery system and method
- Ullrich et al. (Patent No 5,583,937) – Method for providing video programming nearly on demand
- Brown (Patent No 5,822,530) – Processing requests for video on demand versions of interactive applications
- Fransman et al. (Patent No 7,024,681) – Method and apparatus for video on demand
- Cameron (Pub No US 2005/0028206) – Digital interactive delivery system for TV, Multimedia and internet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2623

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Examiner, Art Unit 2623
February 27, 2008

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Supervisory Patent Examiner, Art Unit 2623